

FILED

JAN 28 2013

**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2008-2500

**MARIA JESSICA MILNER
a.k.a., MARIA JESICA ESTRADA
a.k.a., MARIA JESSICA ESTRADA
a.k.a., MARIA J. ESTRADA
a.k.a., MARIA MILNER
a.k.a., MARIA J. MILNER
a.k.a., MARIA ESTRADA
a.k.a., MARIA J. MILER
362 Beechworth Avenue
Monrovia, CA 91016**

A C C U S A T I O N

Vocational Nurse License No. VN 218482

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

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2. On or about December 29, 2005, the Board of Vocational Nursing and Psychiatric Technicians ("Board") issued Vocational Nurse License No. VN 218482 to Maria Jessica Milner, also known as Maria Jesica Estrada, Maria Jessica Estrada, Maria J. Estrada, Maria Milner, Maria J. Milner, Maria Estrada, and Maria J. Miler ("Respondent"). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2013, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

STATUTORY PROVISIONS

4. Code section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

5. Code section 490 states, in pertinent part:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is

1 made suspending the imposition of sentence, irrespective of a subsequent order under the
2 provisions of Section 1203.4 of the Penal Code.”

3 6. Code section 2878 states, in pertinent part:

4 "The Board may suspend or revoke a license issued under this chapter [the Vocational
5 Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)) for any of the following:

6 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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8 "(b) Procuring a certificate by fraud, misrepresentation, or mistake.

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10 "(c) Making or giving any false statement or information in connection with the application
11 for issuance of a license.

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13 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties
14 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive
15 evidence of the conviction.”

16 **REGULATORY PROVISIONS**

17 7. California Code of Regulations, title 16, section 2521 states, in pertinent part:

18 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
19 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
20 considered to be substantially related to the qualifications, functions or duties of a licensed
21 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
22 vocational nurse to perform the functions authorized by his license in a manner consistent with
23 the public health, safety, or welfare.”

24 **COST RECOVERY**

25 8. Code section 125.3 provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

1 **FIRST CAUSE FOR DISCIPLINE**

2 ***(Convictions of Substantially Related Crimes)***

3 9. Respondent is subject to disciplinary action under Code section 2878, subdivisions (a)
4 and (f) and Code section 490, in conjunction with California Code of Regulations, title 16, section
5 2521, in that Respondent was convicted of crimes substantially related to the qualifications,
6 functions, and duties of a licensed vocational nurse, as follows:

7 a. On or about July 31, 2012, after pleading nolo contendere, Respondent was convicted
8 of one misdemeanor count of violating Vehicle Code section 14601.1, subdivision (a) [driving
9 while driving privilege is suspended and revoked] in the criminal proceeding entitled *The People*
10 *of the State of California v. Maria Jessica Milner* (Super. Ct. Los Angeles County, 2012, No.
11 2AH02718). The Court sentenced Respondent to serve 20 days in Los Angeles County Jail and
12 placed her on 36 months of probation, with terms and conditions. The circumstances surrounding
13 the conviction are that on or about July 28, 2012, Respondent drove a motor vehicle upon a
14 highway at a time when her driving privilege was suspended and revoked.

15 b. On or about May 14, 2010, after pleading nolo contendere, Respondent was convicted
16 of one misdemeanor count of violating Vehicle Code section 14601.1, subdivision (a) [driving
17 while driving privilege is suspended and revoked] in the criminal proceeding entitled *The People*
18 *of the State of California v. Maria Jessica Milner* (Super. Ct. Los Angeles County, 2010, No.
19 OPS76603). The Court sentenced Respondent to serve 4 days in Los Angeles County Jail and
20 denied probation. The circumstances surrounding the conviction are that on or about March 25,
21 2010, during a traffic stop by an Arcadia Police Department Officer, Respondent was contacted.
22 A driver's license check revealed that her license had been suspended, and that she had two
23 outstanding warrants for her arrest: Warrant No. PAS0PS75011 – Health and Safety Code section
24 11357, subdivision (b) [possession of marijuana 28.5 grams] and Warrant No. ELM0RI00609 –
25 Vehicle Code section 14601.1, subdivision (a) [driving while driving privilege is suspended or
26 revoked]. She was subsequently arrested and taken into custody. On or about March 26, 2010,
27 the Court dismissed Health and Safety Code section 11357, subdivision (b) [possession of
28 marijuana 28.5 grams] pursuant to Penal Code section 1385, in Case No. OPS75011. On or about

1 April 1, 2010, the Court dismissed Case No. 0RI00609, pursuant to Penal Code section 1385, in
2 exchange for plea in Case No. 0RI01306.

3 c. On or about April 1, 2010, after pleading nolo contendere, Respondent was convicted
4 of one misdemeanor count of violating Vehicle Code section 14601.1, subdivision (a) [driving
5 while driving privilege is suspended and revoked] in the criminal proceeding entitled *The People*
6 *of the State of California v. Maria Jessica Milner* (Super. Ct. Los Angeles County, 2010, No.
7 0RI01306). The Court sentenced Respondent to serve 14 days in Los Angeles County Jail and
8 placed her on 36 months of probation, with terms and conditions. The circumstances surrounding
9 the conviction are that on or about February 13, 2010, Respondent drove a motor vehicle upon a
10 highway at a time when her driving privilege was suspended and revoked.

11 d. On or about January 6, 2010, after pleading nolo contendere, Respondent was
12 convicted of one misdemeanor count of violating Penal Code section 602, subdivision (o)
13 [trespassing: closed lands] in the criminal proceeding entitled *The People of the State of*
14 *California v. Maria Jessica Milner* (Super. Ct. Los Angeles County, 2010, No. 9PS74212). The
15 Court sentenced Respondent to serve 3 days in Los Angeles County Jail and placed her on 12
16 months probation, with terms and conditions. The circumstances surrounding the conviction are
17 that on or about August 26, 2009, Respondent was evicted from 834 W. Walnut Ave., Unit B by
18 the Los Angeles County Sheriff's Department, at approximately 0930 hours, and was told not to
19 return without the owners/landlords permission. At about 1950 hours, Respondent returned to the
20 residence without the owners/landlords permission.

21 e. On or about May 19, 2009, after pleading nolo contendere Respondent was convicted
22 of one misdemeanor count of violating Vehicle Code section 12500, subdivision (a) [driving
23 without a valid driver's license] in the criminal proceeding entitled *The People of the State of*
24 *California v. Maria Jessica Milner* (Super. Ct. of Los Angeles County, 2009, No. 9PS71187).
25 The Court placed Respondent on 12 months probation, with terms and conditions. The
26 circumstances surrounding the conviction are that on or about January 6, 2009, Respondent drove
27 a vehicle without a valid driver's license.

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1 c. On or about November 3, 1994, after pleading nolo contendere, Respondent was
2 convicted of one misdemeanor count of violating Health and Safety Code section 11377,
3 subdivision (a) [possession of a controlled substance] in the criminal proceeding entitled *The*
4 *People of the State of California v. Maria Jessica Estrada* (Super. Ct. Los Angeles County, 1994,
5 No. 94M13088). The Court sentenced Respondent to serve 180 days in Los Angeles County Jail
6 and placed her on 3 years probation, with terms and conditions. The circumstances surrounding
7 the conviction are that on or about August 15, 1994, Respondent was found to be in possession of
8 a controlled substance, to wit: Methamphetamine.

9 d. On or about August 2, 1994, after pleading guilty, Respondent was convicted of one
10 misdemeanor count of violating Vehicle Code section 14601.2, subdivision (a) [driving while
11 driving privilege is suspended or revoked, with knowledge] in the criminal proceeding entitled
12 *The People of the State of California v. Maria Jessica Estrada* (Super. Ct. Los Angeles County,
13 1994, No. 94M09772). The Court sentenced Respondent to serve 30 days in Los Angeles County
14 Jail and placed her on 3 years probation, with terms and conditions. The circumstances
15 surrounding the conviction are that on or about June 13, 1994, Respondent drove a vehicle while
16 her driving privilege was suspended or revoked and with knowledge.

17 e. On or about June 17, 1994, after pleading nolo contendere, Respondent was convicted
18 of one misdemeanor count of violating Health and Safety Code section 11364 [possession of
19 paraphernalia] in the criminal proceeding entitled *The People of the State of California v. Maria*
20 *Jessica Estrada* (Super. Ct. Los Angeles County, 1994, No. 94M07979). The Court sentenced
21 Respondent to serve 30 days in Los Angeles County Jail and placed her on 3 years probation,
22 with terms and conditions. The circumstances surrounding the conviction are that on or about
23 June 13, 1994, Respondent was found to be in possession of a smoking device.

24 f. On or about August 19, 1993, after pleading guilty, Respondent was convicted of one
25 misdemeanor count of Vehicle Code section 23152, subdivision (a) [driving under the influence
26 of alcohol or drugs] and one misdemeanor count of Vehicle Code section 23152, subdivision (b)
27 [driving while having 0.08% and more, by weight, of alcohol in her blood] in the criminal
28 proceeding entitled *The People of the State of California v. Maria Jessica Estrada* (Super. Ct. Los

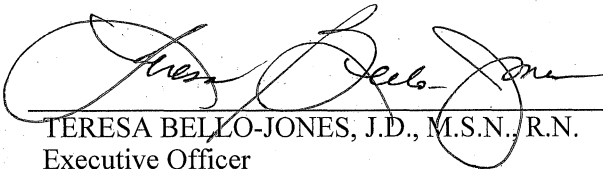
1 Angeles County, 1993, No. 93M09459). The Court sentenced Respondent to serve 2 days in Los
2 Angeles County Jail and placed her on 5 years probation, with terms and conditions. The
3 circumstances surrounding the conviction are that on or about June 3, 1993, Respondent drove a
4 vehicle under the influence of alcohol or drugs and while having 0.09% of alcohol in her blood.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board issue a decision:

- 8 1. Revoking or suspending Vocational Nurse License No. VN 218482, issued to
9 Respondent;
10 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
11 enforcement of this case, pursuant to Code section 125.3; and
12 3. Taking such other and further action as deemed necessary and proper.

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14 DATED: **JAN 28 2013**

15 
16 TERESA BELLO-JONES, J.D., M.S.N., R.N.
17 Executive Officer
18 Board of Vocational Nursing and Psychiatric Technicians
19 Department of Consumer Affairs
20 State of California
21 Complainant
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